

REMARKS

Applicants respectfully traverse this restriction and request reconsideration. In particular, applicants respectfully request that the claims of Group II (claims 24 - 28) be rejoined with the claims of Group I. The cured composition recited in claims 24 - 28 are the product of the curing of the curable claims of Group I. A search for the prior art pertinent to the curable composition recited in claims 1-23, 91, 94, and 95 would also produce the pertinent prior art to the compounds recited in claims 24 - 28. Therefore, rejoining these groups of claims would not be a serious burden on the Examiner. Under Patent Office examining procedures, "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims directed to distinct or individual inventions." See, M.P.E.P. 803 (emphasis added). In the same manner, rejoining Groups VII and VIII and Groups XIII and XIV would not be a serious burden on the Examiner, and should not be restricted out of the composition claims for the purpose of examination.

Applicants respectfully submit that conjoint examination and inclusion of at least the Groups I and II, Groups VII and VIII, and Groups XIII and XIV is appropriate and would not present an undue burden on the Examiner, and accordingly, withdrawal of this portion of the Requirement for Restriction is believed to be in order.

In order to be fully responsive, applicants provisionally elect, with traverse, to prosecute the invention of Group I, claims 1 - 23, 91, 94, and 95 drawn to a composition comprising a bone substitute, a crosslinkable prepolymer, and a (photo)initiator.

Applicants' election is made without prejudice. Upon the allowance of a claim to a new composition, Applicants will be entitled to consideration of claims directed to the use of that composition that include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141 *et seq.* Thus, Applicants reserve the right to request rejoinder of appropriate claims, or species in accordance with MPEP §821.04.

It is believed that no fee is required for these submissions. However, should the U.S. Patent and Trademark Office determine that any additional fee is required or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge any deficiency and/or credit any refund owed to our Deposit Account No. 04-0100.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

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Respectfully submitted,

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